

As a consumer of digital content, I have a grave concern about the proposed Broadcast Flag. I enjoy the flexibility and control that technology gives me. I can be more than a passive recipient of content; I can modify, create and participate. Technology currently gives me more choices by allowing me to record a television program and watch it later; clip a small piece of TV and splice it into a home movie; send an email clip of my child's football game to a distant relative; or record a TV program onto a DVD and play it at my friend's apartment. The broadcast flag seems designed to remove this control and flexibility that I enjoy.

Historically, the law has allowed for those not affiliated with creating content to come up with new, unanticipated ways of using it. For example, Sony invented the modern VCR -- a movie studio did not. (Sony did not own a movie studio at the time.) Diamond Multimedia invented the MP3 player -- a recording label did not. Unfortunately, the broadcast flag has the potential to put an end to that dynamic. Because the broadcast flag defines what uses are authorized and which are not, unanticipated uses of content which are not foreseeable today are by default unauthorized. If we allow the content industry to "lock in" the definition of what is and is not legitimate use, we curtail the ability for future innovation - unanticipated but legal uses that will benefit consumers.

Also, I believe this puts unreasonable control in the hands of the recording labels. While I believe the creators/owners of content should be able to reap the benefits of their efforts, technology such as this could remove the people's rights to fair use of content, not just now, but in the future. Once the copyright lapses on this content, how will it be placed in the public domain?

I am a law-abiding consumer who believes that piracy should be prosecuted and that people are innocent until proven guilty. While I can see how preventing criminal behavior would benefit society, I don't think that should come at the cost of prohibiting me from making legal, personal use of my content. Not only does this deny me rights, but it implies expected criminal behavior on my part.

In closing, I urge you to require the content industry to demonstrate that its proposed technologies will allow for all legal uses. If they cannot, I urge you not to mandate the broadcast flag.